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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,704	12/01/2000	Alfredo Agnelo Judas Sebastiao do Rosario Botelho	ZEDO-01003US0	4887

7590 09/26/2005

Rupak Nag
2170 Cenury Park East Suite 1210
Los Angeles, CA 92067

EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,704

Applicant(s)

DO ROSARIO BOTELHO ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 109 and 110 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 109-110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 109 AND 110 have been examined. Application 09/728,704 (DATA PROCESSING SYSTEM FOR TARGETED CONTENT) has a filing date 12/01/2000 Claims Priority from Provisional Application 60168853 (12/02/1999) and Claims Priority from Provisional Application 60236673 (09/29/2000).

Response to Amendment

2. In response to Non Final Rejection filed 12/23/2004, the Applicant filed an Amendment on 06/27/2005. However, in a telephone Interview dated 09/06/05, the Applicant's representative cancel claims 107 and 108 and added new claims 109-110.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 109 recites the limitation "receiving at a server computer **the advertisement locator/descriptor**". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

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application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 109 and 110 are rejected under 35 U.S.C. 102(e) as being anticipated by Eldering (U.S. 6,216,129).

As per claim 109, Eldering teaches:

A method of enabling change of advertisements on one or more website pages to advertisements in a category selected by a user, the method comprising:

on a website page containing non-advertisement content on a client computer, displaying a list of advertisement-determinative categories on the website page, wherein from said list a an advertisement-determinative category can be chosen (see column 7, lines 4-54), and wherein the list of advertisement-determinative categories and advertisements displayed are not necessarily determined by the non-advertisement content on the website page (see column 7, lines 4-54);

receiving at a server computer the advertisement locator/descriptor derived on the client computer from a selected advertisement-determinative category (see column 7, lines 4-21; i.e. "consumer profile", "deterministic demographic characterization vector");

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retrieving an advertisement corresponding to the advertisement locator/descriptor; and transmitting the advertisement to the client computer for insertion in the one or more website pages (see column 7, lines 15-21).

As per claim 110, Eldering teaches:

A method of pulling an advertisement from a server computer to a client computer over a computer network, the method comprising the steps of:

on a website page containing non-advertisement content on a client computer, using data stored on the client computer to determine one or more advertisement categories to be displayed on the website page (see column 7, lines 4-55);

generating an advertisement locator/descriptor corresponding to the one or more advertisement categories (see column 7, lines 21-35); and

receiving at a server computer the advertisement locator/descriptor, whereby an advertisement corresponding to the locator/descriptor is retrieved and transmitted to the client computer for insertion in the website page (see column 7, lines 4-55).

Response to Arguments

5. Applicant's arguments filed 06/27/2005 have been fully considered but they are not persuasive. The Applicant argues that Eldering teaches an advertising system where the system determines which ads to send to the consumer based on the consumer's product preferences and it does not teach sending ads to the consumer based on the consumer's advertisement preferences. The Examiner answers that Eldering teaches in column 4 "An

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advantage of the present invention is the ability to direct advertisements to consumers which will find the advertisements of interest. This eliminates unwanted advertisements". And column 7, lines 27-55 "In a preferred embodiment the demographic characterization vector includes interest categories. The interest categories may be organized according to broad areas such as music, travel, and restaurants. Examples of music interest categories include country music, rock, classical, and folk. Examples of travel categories include "travels to another state more than twice a year," and travels by plane more than twice a year." FIG. 2B illustrates a deterministic demographic characterization vector. The deterministic demographic characterization vector is a representation of the consumer profile as determined from deterministic rather than probabilistic data. As an example, if consumer 100 agrees to answer specific questions regarding age, gender, household size, income, and interests the data contained in the consumer characterization vector will be deterministic. As with probabilistic demographic characterization vectors, the deterministic demographic characterization vector can include interest categories. In a preferred embodiment, consumer 100 answers specific questions in a survey generated by profiler 140 and administered over the phone, in written form, or via the Internet 150 and consumer PC 104. The survey questions correspond either directly to the elements in the probabilistic demographic characterization vector, or can be processed to obtain the deterministic results for storage in the demographic characterization vector". Therefore, in Eldering a consumer tells the

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system which types of ads categories said consumer would be interested, similar to the Applicant's claimed invention.

The Applicant argues that in Eldering the consumer is setting a product preference profile and not an advertising preference. The Examiner answers that Eldering teaches in column 7, lines 44-54 that a consumer indicates the interest categories that said consumer would be interested to receive targeted advertisements, similar to the Applicant's claimed invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724.

The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
September 9, 2005


RETTA YEHDEGA
PRIMARY EXAMINER

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FACSIMILE COVER SHEET

DATE: September 6, 2005

TO: Examiner Daniel Lastra

FAX NO.: (571) 273-6720

VOICE NO.: (571) 272-6720

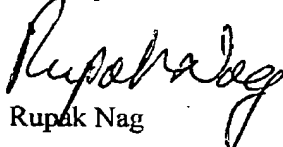
TOTAL NUMBER OF PAGES (including cover): 3

Dear Examiner Lastra:

As we discussed on the phone, attached is a supplemental amendment for Application No. 09/728,704.

Please call me at the number above if there is any problem with this transmission.

Thank you.


Rupak Nag

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Botelho, et al.

Appl. No.: 09/728,704

Filed: December 1, 2000

Title: DATA PROCESSING SYSTEM
FOR TARGETED CONTENT

) Group Art Unit: 3622

) Examiner: Daniel Lastra

) Office Action mailed: Dec. 23, 2004

) Attorney Docket No.: ZD-P001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT

Dear Sir:

Applicants file the attached supplemental amendment.

IN THE CLAIMS

CANCEL CLAIMS 107 AND 108

109. (NEW) A method of enabling change of advertisements on one or more website pages to advertisements in a category selected by a user, the method comprising:

on a website page containing non-advertisement content on a client computer, displaying a list of advertisement-determinative categories on the website page, wherein from said list a advertisement-determinative category can be chosen, and wherein the list of advertisement-determinative categories and advertisements displayed are not necessarily determined by the non-advertisement content on the website page;
receiving at a server computer the advertisement locator/descriptor derived on the client computer from a selected advertisement-determinative category;
retrieving an advertisement corresponding to the advertisement locator/descriptor; and
transmitting the advertisement to the client computer for insertion in the one or more website pages.

110. (NEW) A method of pulling an advertisement from a server computer to a client computer over a computer network, the method comprising the steps of:

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on a website page containing non-advertisement content on a client computer, using data stored on the client computer to determine one or more advertisement categories to be displayed on the website page;

generating an advertisement locator/descriptor corresponding to the one or more advertisement categories; and

receiving at a server computer the advertisement locator/descriptor, whereby an advertisement corresponding to the locator/descriptor is retrieved and transmitted to the client computer for insertion in the website page.

REMARKS

In the Office Action mailed December 23, 2004, claims 107 and 108 were rejected under §102(e) as being anticipated by Eldering, U.S. Pat. No. 6,216,129. However, with this amendment, Applicants cancel pending claims 107 and 108 and submit new claims 109 and 110.

The Applicants respectfully request favorable consideration and allowance of the pending claims.

Respectfully submitted,

Dated:

Sept. 6, 2005

By:

Rupak Nag

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